

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Reverend Franklin C. Reaves,	)	C/A No.: 4:10-cv-03234-TLW-TER
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Sherry R. Rhodes, <i>individually and in her</i>	)	
<i>official capacity as Clerk of Court for</i>	)	
<i>Marion County; et al.</i>	)	
	)	
Defendants.	)	
	)	

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**ORDER**

This is a civil action filed on December 21, 2010 by Reverend Franklin C. Reaves, Ph.D. (Plaintiff) proceeding *pro se* and *in forma pauperis*. (Doc. # 1).

The matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by Magistrate Judge Thomas E. Rogers, III on October 25, 2012 (Doc. # 66) to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that Defendants’ Motion to Dismiss (Doc. # 64) be denied without prejudice and with leave to refile, if appropriate, after proper service of the Suggestion of Death Upon the Record. Objections were due by November 13, 2012. Defendants have filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence

of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

This Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation (Doc. # 66) is **ACCEPTED**. Defendants' Motion to Dismiss (Doc. # 64) is **DENIED** without prejudice and with leave to refile, if appropriate, after proper service of the Suggestion of Death Upon the Record

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

January 16, 2013  
Florence, South Carolina